

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, Claims 1, 8 and 13 are amended. Claims 1-3, 5-8, 11 and 13 are currently pending and Claims 1 and 8 are independent. It is respectfully submitted that no new matter is added herewith.

III. SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 112, second paragraph; Claims 8, 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph; Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,608,779 to *Maeda* (*Maeda*); and Claims 8, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maeda* in view of U.S. Patent No. 5,159,781 to *Glossop* (*Glossop*).

IV. ARGUMENTS

A. Rejection of Claims 1-3, 5-8, 11 and 13 under 35 USC § 112, second paragraph

In the Office Action, Claims 1-3, 5-8, 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses.

In the Office Action, the “second height” is objected to because the “figures show the second height to be height of the door minus the first height, which is a smaller value than that of the window.” In response, Applicant notes that the second height (h) refers to the height of the window as described in paragraph [0014] of Applicant’s disclosure. Although the window is shown in the

figures as being partially rolled down, the height (h) of the window when it is rolled up is clearly depicted in the figure as being above the belt line of the door, where the first height (H) is shown as being from the bottom of the door to the beltline. Therefore, Applicant submits that the second height recited in Claim 1 is clear as being the height of the window, as described in paragraph [0014] of Applicant's disclosure. The Office Action also objects to the phrase "said first distance has a value for generating a resistance torque." In response, this phrase has been deleted from independent Claim 1.

The Office Action further objects to "a track", as recited in Claim 8, as lacking antecedent basis. In response, Claim 8 is amended to recite "a second track".

With regard to Claim 13, the phrase "the pane completely resting on the frame" is objected to as being unclear. In response, Claim 13 is amended to delete that phrase and to clarify that the single point of contact is between the first slider and the first track.

In view of the amendments to the claims and the discussion above, Applicant submits that Claims 1, 8, 11 and 13 are definite. Therefore, Applicant requests reconsideration and withdrawal of the rejection of those claims under 35 U.S.C. § 112, second paragraph.

B. Rejection of Claims 1-3 and 5-7 under 35 U.S.C. § 103(a)

In the Office Action, Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maeda*. Applicant respectfully traverses.

Independent Claim 1, as amended, recites a window lift assembly that comprises, among other elements, a second guide and slider assembly provided in a track where the track is secured to a lock of the motor vehicle and the track is spaced from the frame of the door by a third distance.

Maeda fails to disclose all of the claim limitations of independent Claim 1, as amended. In particular, as seen in Figure 2 of *Maeda*, *Maeda* teaches a window assembly that includes upper and lower sliders that slide in the same track 14b which is fixed to the door frame 45, as seen in Figure 3 of *Maeda*. In contrast, the track of the second guide and slider assembly of the claimed invention is secured to the lock of the motor vehicle (not the door frame) and is spaced from the frame by the third distance. For example, as seen in the Figure of Applicant's disclosure, the track 6 is spaced by the distance X1 from the frame such that the track 6 is not aligned with or is offset from the first guide and slider assembly. That is, as seen in Figure 2 of *Maeda*, in order for the *Maeda* device to be functional, the upper slider 16 and the lower slider 16 must be placed in the same guide 14 (b).

On the contrary, in the claimed invention, the track is fixed to the lock of the motor vehicle and the end of the track 6 is not secured to the door frame as in *Maeda*. As evidence of this difference, Applicant points to the distance X1 of Applicant's disclosure, which is the separation between the frame of the door and the track 6 which is mounted in the lock of the vehicle.

Therefore, Applicant submits that a *prima facie* case of obviousness has not been established because *Maeda* fails to teach or render obvious all of the claim limitations of amended Claim 1, particularly a track secured to the lock of the motor vehicle where the track is spaced from the door frame by a third distance. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. § 103(a) in view of *Maeda*.

Dependent Claims 2-3 and 5-7 are also believed to be allowable over *Maeda* for the same reasons discussed above. Moreover, these claims recite additional features not found in the prior

art. For example, Claim 3 recites that the third distance has a value ranging from 100 to 150 mm.

C. Rejection of Claims 8, 11 and 13 under 35 U.S.C. § 103(a)

In the Office Action, Claims 8, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maeda* in view of *Glossop*. Applicant respectfully traverses.

Independent Claim 8 as amended, recites a window lift assembly comprising, among other elements, a first guide and slider assembly provided in a first track, a second guide and slider assembly provided in a second track where the second track is spaced from the frame of the door and the first and second track are offset from one another.

As discussed above in Section A, *Maeda* fails to disclose the above features of amended independent Claim 8. Specifically, the upper and lower sliders 16 of *Maeda* are provided in the same track and therefore are not offset from one another, as recited in Claim 8. Moreover, *Maeda* fails to disclose that the second track is spaced from the frame of the door. Instead, the track 14b of *Maeda* is fixed to the door.

Glossop fails to cure the deficiencies of *Maeda*. Contrary to the assertion in the Office Action, *Glossop* does not teach two tracks separate from each other. Instead, the tracks 34 and 36 of *Glossop* are actually integral with one another. See Col. 5, ln. 68 - Col 6 ln. 1 ("integral with the guide channel member 34 is a second guide channel section 36"). Indeed both the tracks 34 and 36 form a signal guide channel 34. See Col. 5, lns. 59-68 of *Glossop*.

Therefore, the proposed combination of *Maeda* and *Glossop* fails to teach all the claim limitations of independent Claim 8 including first and second guide and slider assemblies provided in first and second tracks, respectively. Moreover, neither *Maeda* nor *Glossop*, either

alone or in combination, teaches a second track that is spaced from the frame of the door such that the first and second tracks are offset from one another, as recited in Claim 8 as amended.

Consequently, Applicant submits that a *prima facie* case of obviousness has not been established with respect to Claim 8. Therefore, Applicant requests reconsideration and withdrawal of the rejection of Claim 8 under 35 U.S.C. § 103(a) over *Maeda* in view of *Glossop*.

Dependent Claims 11 and 13 are also believed to be allowable over the combination of *Maeda* and *Glossop* for the same reasons discussed above. Moreover, these claims recite additional features not found in the prior art. For example, dependent Claim 13 recites that the first slider is fitted in the track and has a single point of contact between the first slider and the first track.

VI. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00023). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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